



1       **I make the following FINDINGS - that the Defendant**  
2 **understands:**

- 3       1. the right to persist in a plea of "not guilty";
- 4       2. the right to a speedy and public trial;
- 5       3. the right to be tried by a jury, or the ability to  
6                waive that right and have a judge try the case without  
7                a jury;
- 8       4. the right to the assistance of counsel at trial;
- 9       5. that, at trial, there would be the right to confront  
10               and cross-examine the witnesses against the Defendant;
- 11       6. that, at trial, there is the right to present a  
12                defense, and the right to have witnesses subpoenaed to  
13                testify on the Defendant's behalf;
- 14       7. that, at trial, the Defendant would have the right  
15                against compelled self-incrimination;
- 16       8. the nature of the charge filed in this case;
- 17       9. the maximum possible sentence that could be imposed  
18                (including imprisonment, fine, term of supervised  
19                release, and mandatory special assessment), the effect  
20                of a supervised release term, and that the sentencing  
21                guidelines are only advisory so that the Court may  
22                sentence Defendant up to the statutory maximum;
- 23       10. the terms of the plea agreement;

24 **I further find that:**

- 25       11. that Defendant's plea of guilty is made knowingly and  
26                voluntarily;
- 27       12. the Defendant is competent to enter a plea; and
- 28       13. there is a factual basis for Defendant's plea.

1       **I therefore RECOMMEND that the District Judge accept the**  
2 **Defendant's plea of guilty.**

3       The sentencing hearing will be before United States District  
4 **Judge Barry Ted Moskowitz, on February 29, 2008, at 8:30 a.m.**

5       Objections to these Findings and Recommendation must be  
6 filed within 14 days of the date of this order.

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9       Dated: 12/4/07

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Honorable Peter C. Lewis  
United States Magistrate Judge

11       Copies to:

12       Hon. Barry Ted Moskowitz  
U.S. District Judge

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14       United States Attorney

15       Michael E. Burke  
Counsel for Defendant

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